

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**JOSE MIGUEL CARDONA ALONZO**  
Debtor

**SELECT PORTFOLIO SERVICING INC.**  
as servicer for CSMC 2021-RPL4 Trust

Movant

**JOSE MIGUEL CARDONA ALONZO**  
Debtor

**JOSE RAMON CARRION MORALES**  
Chapter 13 Trustee  
Respondents

CASE NO. **18-06028-MCF13**

CHAPTER 13

**MOTION FOR RELIEF FROM STAY PURSUANT TO 11 U.S.C. §362(d)(1)**

**TO THE HONORABLE COURT:**

**COMES NOW SELECT PORTFOLIO SERVICING, INC.** as servicer for secured creditor **CSMC 2021-RPL4 Trust**, hereinafter referred to as (**Movant**), which is the entity that has the right to foreclose by virtue of being the owner and holder of the note, through the undersigned counsel and very respectfully states, alleges and prays as follows:

1. **Movant** holds a secured claim against **Debtor's** estate, by virtue of being the holder in due course of a Mortgage note in the principal sum of \$360,500.00, the interest at an annual rate of 6 1/8% which encumbers **Debtor's** real property located at Palmas Plantation Lot 12, Humacao, Puerto Rico (**See Claim no. 7-2.**)

2. By filing the instant petition, all foreclosure proceedings against **Debtor** and the aforementioned property were stayed.

3. **Debtor** is indebted to **Movant** in the principal amount of \$542,855.20 plus interest and advances as of July 23, 2021. Said debt is secured by a deed of mortgage upon the property made reference to in paragraph one (1).

4. As of July 23, 2021, **Debtor** is in arrears for some monthly payments since the filing of its bankruptcy petition, for a total post-petition arrearage of **\$2,189.06. See Exhibit I.**

5. That **Debtor** has failed to provide **Movant** with adequate protection of its secured interest in the property made reference to in paragraph one (1), and their failure to keep current with their payments to **Movant** is sufficient cause for this Honorable Court to grant the relief herein requested. **11 U.S.C. §362(d)(1)**

6. That **Debtor** is not in active in military service as evidenced by the enclosed certifications regarding compliance with the applicable provisions of the Service members Civil Relief Act ("SCRA"), 50 U.S.C. App. § 501 *et seq.* **See Exhibit II.**

**WHEREFORE, Movant** respectfully prays for an order of relief from the stay provided by **11 U.S.C. §362(a)**, thus authorizing **Movant** to proceed with the foreclosure of the mortgage against the property herein described with such further relief as it may deem just and proper.

### **NOTICE**

Within fourteen (14) days after service as evidenced by the certification, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other

appropriate response to this paper with the Clerk-s office of the U.S. Bankruptcy Court for the District of Puerto Rico. **Local Rule 4001-1.** If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**I HEREBY CERTIFY:** That on this same date, I electronically filed the foregoing document with the Clerk of the Court using the **CM/ECF SYSTEM** which will send notification of the present filing to the parties in this case registered in said system; by regular mail to non CM/ECF participants and by certified mail to Debtor(s), his/her attorney, the Chapter 13 Trustee and the U.S. Trustee.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on this the 24th day of August, 2021.

**VAZQUEZ & VIZCARRONDO LLP**  
*Attorneys for Secured Creditor*  
PO BOX 195389  
SAN JUAN, PUERTO RICO 00919-  
5389TEL. (787) 999-5252  
FAX (787) 751-1038

**s/Rebeca Caquias Mejias**  
USDC 220810  
rcaquias@vvalaw.com

Shivabasava H

Loan Number	XXXXXXXX 3396
Debtors Name - 1	JOSE CARDONA-ALONZO
Debtors Name - 2	VIRGINIA RODRIGUEZ-MARQUEZ
Property Address	PALMAS PLANTATION LOT 12
Property State	PR

Bankruptcy Case #	18-06028
Filing Date:	10/16/2018
Person filing:	M1
Number of previous filings:	1

Post petition due date:	06/01/21
Post petition \$\$\$ due:	\$2,189.06
Post petition insurance:	\$0.00
Post petition taxes:	\$0.00
<b>Total Post petition due</b>	<b>\$2,189.06</b>

Post-petition taxes and insurance included in annual escrow analysis and added to monthly payments.

[illegible]

**\$16,010.68**



**Status Report**  
**Pursuant to Servicemembers Civil Relief Act**

**Exhibit II**

SSN: XXX-XX-3786  
 Birth Date:  
 Last Name: CARDONA ALONZO  
 First Name: JOSE  
 Middle Name: MIGUEL  
 Status As Of: Aug-04-2021  
 Certificate ID: 8B6S1T5NPBD4X7T

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Michael V. Sorrento*

Michael V. Sorrento, Director  
 Department of Defense - Manpower Data Center  
 400 Gigling Rd.  
 Seaside, CA 93955



The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.